

We thought that maybe it might be assigned cases where juries would be required.

We wrote this section giving the legislature the right to reduce the number of jurors in the District Court, or in any other civil court, for reasons best known to them, down to six.

I might say I have tried a number of civil cases in Virginia and they have a civil jury down there of seven, and it works very well, but I am not urging Maryland to adopt that.

I think the amendment does no particular harm. Only I think it is unnecessary. I think the provision, as we have written it, is just as good as the amendment, and I think it is clearer than the amendment, and I would urge that the amendment be defeated and that our section stand as it is.

THE CHAIRMAN: Delegate Dorsey.

DELEGATE DORSEY: Mr. President, I feel that this amendment simply guarantees to anyone in a civil case that he will have twelve men try his case in the superior court.

Now, yesterday this Committee of the whole guaranteed a unanimous verdict by twelve men in criminal cases. I really believe that this body wants to do the same thing in the superior court in civil matters. A man can be charged on information for assault and battery, tried before a jury of twelve men, found guilty and fined one dollar. For that same assault he can be sued for a hundred thousand dollars or more. He can be stripped of his home and all his property by a verdict, but instead of having twelve men to try his case, he will have to submit it to a jury of six if the legislature so prescribes instead of a jury of twelve.

This simply guarantees that in the superior court in all civil cases a person will have a right to have his case submitted to a jury of twelve men.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 26 to Committee Recommendation R&P-1.

A vote Aye is a vote in favor of Amendment No. 26. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 75 votes in the affirmative and 45 in the negative, the motion carries. The amendment is adopted.

Delegate Beatrice Miller, do you still desire to offer your Amendment V?

DELEGATE B. MILLER: No, Mr. Chairman.

THE CHAIRMAN: Thank you very much.

*(Applause.)*

THE CHAIRMAN: At the request of the Chair, Delegate Willoner has agreed to consider his Minority Report and the amendment in support of it as withdrawn as an amendment to Recommendation R&P-1, with the understanding that it will be submitted as a minority report and amendment to Recommendation R&P-2. This will permit the Committee of the Whole to act finally with respect to R&P-1 before we adjourn for dinner and enable us to get it to the Committee very promptly.

The Chair wants to thank Delegate Willoner for his consideration and also Delegate Kiefer, Chairman of the Committee, for acquiescing.

Are there any other amendments to any sections of Committee Recommendation R&P-1?

*(There was no response.)*

The question now arises on the approval of Committee Recommendation R&P-1 as amended.

A vote Aye is a vote in favor of the approval of Recommendation R&P-1 as amended. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 121 votes in the affirmative and none in the negative, the motion carries. Committee Recommendation R&P-1 as amended is adopted.

The Chair cannot help but refraining, adding that this is a point he thought we would never reach.